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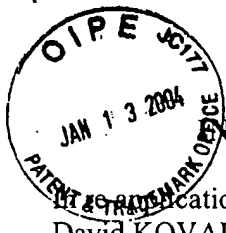
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT MARK  
DIVISION

In re: Application of:

David KOVALIC *et al.*

Application No. 09/684,016

Filed: October 10, 2000

For: *Annotated Plant Genes*

Group Art Unit: 1631

Examiner: Shubo Zhou

Atty. Docket: 16517.031

2004 JAN 15 PM 12:11

US PATENT & TRADEMARK  
OFFICE

**REQUEST FOR REFUND OF IMPROPER CHARGE TO DEPOSIT ACCOUNT**

**Mail Stop 16**

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request a refund of an improper charge for the following reason:

On November 17, 2003, Applicants timely submitted an Appellants' Brief, including Appendix A. In the accompanying transmittal letter, Applicants' counsel authorized the U.S. Patent and Trademark Office (USPTO) to charge the \$330.00 for this Appeal Brief to Deposit Account No. 50-2387, referencing docket number 16517.031. Courtesy copies of the Appeal Brief and transmittal letter are attached, together with a copy of a date-stamped postcard receipt.

On November 18, 2003, Arnold & Porter Deposit Account 50-2387 was charged \$330.00 (Charge Code 1402) for the aforementioned Appeal Brief. However, on December 19, 2003, the USPTO made an erroneous charge of \$420.00 for a two-month extension of time (Charge Code 1252) to counsel's Deposit Account No. 50-2387. Courtesy copies of the November and December Deposit Account Statements for Arnold & Porter Deposit Account No. 50-2387 are enclosed. These charges are highlighted and indicated by Green Flags A and B, respectively.

Because the referenced Appeal Brief was timely filed and a 2-month extension of time fee was erroneously charged to Arnold & Porter Deposit Account No. 50-2387, Applicants hereby request that a refund in the amount of \$420.00 be credited to the undersigned's Deposit Account No. 50-2387, referencing matter number 16517.031. A duplicate of this Request is enclosed.

Adjustment date: 01/22/2004 EEKUBAY1  
2/19/2003 TTABB1 00000004 502387 09684016  
1 FC:1852 420.00 CR

Respectfully submitted,

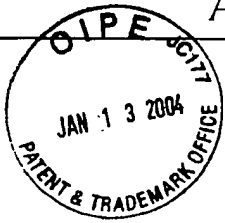
David R. Marsh (Reg. Attorney No. 41,408)

Holly Logue Prutz (Reg. Attorney No. 47,755)

Lisa A. Penoyer (Reg. Agent No. 51,204)

Date: January 13, 2004

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Director of the U.S. Patent and  
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*Attn: Mail Stop 16*

Re: U.S. Patent Application No. 09/684,016  
Filed: October 10, 2000  
Title: *Annotated Plant Genes*  
Applicants: David KOVALIC *et al.*  
Atty. Docket No.: 16517.031

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. a Request for Refund of Improper Charge to Deposit Account (in duplicate);
2. a courtesy copy of the November 2003 Deposit Account Statement for Arnold & Porter Deposit Account No. 50-2387, showing a \$330.00 charge for an Appeal Brief (Charge Code 1402);
3. a courtesy copy of the December 2003 Deposit Account statement for Arnold & Porter Deposit Account No. 50-2387, showing a \$420.00 charge for a 2-month extension of time (Charge Code 1252);
4. a courtesy copy of an Appellants' Brief and associated transmittal letter filed November 17, 2003;
5. a courtesy copy of a postcard date-stamped receipt dated November 17, 2003; and
6. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

ARNOLD & PORTER

PATENT & TRADEMARK OFFICE  
U.S. Appl. No. 09/684,016  
January 13, 2004  
Page 2

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US. PATENT & TRADEMARK OFFICE  
Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including extensions of time fees necessary to prevent abandonment of this patent application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.031. In addition, Applicants respectfully request that any credit associated with the present filing be credited to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.031. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)

Holly Logue Prutz (Reg. Attorney No. 47,755)

Lisa A. Penoyer (Reg. Agent No. 51,204)

Attachments